

EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE DEPAKOTE:)	
)	
RHEALYN ALEXANDER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 12-CV-52-NJR-SCW
)	
ABBOTT LABORATORIES, INC.,)	LEAD CONSOLIDATED CASE
)	
Defendant.)	

ORDER

ROSENSTENGEL, District Judge:

This Court currently has 129 cases, involving approximately 691 plaintiffs, pending on its docket. The first cases were filed in 2012, and cases continue to be filed each month. One bellwether case was tried in this Court in March 2015, and three other cases have been tried since then in other venues. At this point, three additional cases are set for trial in this district later this year. A case scheduled for trial in June 2016 has been continued generally in light of the unavailability of Plaintiffs' liability expert.

As the Court noted in its Order dated April 25, 2016 (Doc. 467), global settlement efforts have failed. Thus, it appears that a massive undertaking involving all of this district's resources will be required to try the majority of cases on the Court's docket. At the current pace of case resolution, the undersigned has calculated it will take over 34 years to close each case on the docket. The undersigned is currently consulting with Chief Judge Michael J. Reagan and the Circuit Executive for the Seventh Circuit to obtain the resources necessary to ensure that the majority, if not all, of the cases pending in this

district are tried by the end of 2017. This will obviously mean that many claims will necessarily be tried together at the same time, with multiple judges in several courthouses. While the issues are complicated and joint trials may in some circumstances be impracticable, at this point the Court can only focus on finding common issues to try, and extensive efforts will be spent to identify where the issues overlap.

While the Court recognizes trying all the cases by the end of 2017 is an ambitious timeframe, counsel is reminded that the majority of these cases have been pending in this district for almost four years. Unfortunately, it appears that the “bellwether” process has failed for these cases, given that there have been four Depakote trials in this country since 2013, and yet only *one* of hundreds of cases (in another district court—following a jury trial) has settled. The Court is also mindful that there are many attorneys representing both sides of this litigation, and both sides have significant resources to accomplish the work that needs to be done.

The parties are advised that the Court is now considering a variety of methods to allow for the joint and expedient resolution of all claims, including bifurcation of the issues, limitation of testimony, shortened trials, and, of course, to the extent possible, multiple trials of claims involving the same label and/or other overlapping issues. These methods will assist the Court in its obligation to “secure the just, speedy, and inexpensive determination” of these cases (*see* FED. R. CIV. P. 1) and are consistent with Rule 42.

In order to allow the Court to select groups of similar claims for trial, the parties are **ORDERED** to conduct the deposition of the prescribing physician(s) in the 132 cases attached as Exhibit A within **90 days** of the date of this Order. The parties shall report the following information to the Court within **14 days** of each deposition: (1) a summary of the physician's testimony, including the details of the prescribing decision, the indication, and the warning given; (2) the relevant Depakote label; (3) details concerning the warnings given as reflected in the medical records, and (4) any other relevant information related to the individual claim. The parties shall file a *joint* report (not to exceed five pages) for each deposed prescriber and, to the extent counsel is unable to agree on a summary of the testimony, counsel shall state their respective positions separately within the *same document* and attach a copy of the complete deposition transcript.

Counsel for Plaintiffs shall alert the Court concerning any prescribing physicians who cannot be located and/or produced for deposition within this timeframe as soon as possible but in any event before the expiration of the 90 day deadline and/or move for voluntary dismissal of those individual claims. Subpoena requests for depositions of any recalcitrant prescribing physicians will be liberally granted. The Court will review the summaries of the prescribing physician testimony as they are submitted and determine whether the case should proceed to a deposition of the mother and/or full discovery on that claim. The Court also will continue to review the pending cases and select the next group of cases to proceed with prescriber depositions.

Finally, because trial counsel will be consumed in the coming months with conducting these depositions and preparing mass cases for trial, both sides are *strongly encouraged* to retain independent, separate settlement counsel to pursue the possibility that at least some of these claims could be resolved without a trial and the inevitable costly appeal that will follow. While the Court's suggestion of this tactic has fallen on deaf ears in the past, it continues to be quite apparent that trial counsel is focused on trying individual claims, something the Court cannot do for the next 34 years. The parties shall continue to consult with the mediators in this case, attorneys Randi Ellis and John Perry, in an effort to resolve at least some of the cases on the Court's docket.

IT IS SO ORDERED.

DATED: July 6, 2016

The block contains a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. A faint, circular official seal of the United States District Court for the District of Columbia is visible in the background, partially obscured by the signature.

NANCY J. ROSENSTENGEL
United States District Judge

EXHIBIT A

Biological Mother/Guardian	Child/Injured Party	Case Number
Alger, Jennifer	S.C.	12-cv-53
Allen, Kelly	E.A.	13-cv-443
Ancrum, Senquetta	A.A.	12-cv-53
Astacio, Jessica; Resto, Helen (guardian)	A.L.	12-cv-824
Baeza, Natalia Chrispina; Baeza, Hector & Guadalupe (guardians)	A.B.	12-cv-53
Bailey, Ginger	J.B.	12-cv-978
Baldassare, Stefanie	D.B.	12-cv-57
Barker, Traci	J.W.	12-cv-1216
Barnett, Angela; Gabbard, Peggy (guardian)	A.C.	12-cv-57
Battle, Angelique	N.B.	12-cv-694
Baugher, Ginnifer	F.B.	12-cv-57
Beauchaine, Sheri	K.B.	13-cv-134
Benjamin, Linda	K.B.	12-cv-57
Benjamin, Monique	J.B.	13-cv-134
Benjamin, Monique	R.B.	12-cv-57
Bickford, Amanda Joy ; Jackson, II, Charles H. (guardian)	G.J.	12-cv-53
Brady, Christine	K.B.	12-cv-824
Brownfield, Shelley; Casey, Amy (guardian)	C.B.	12-cv-1091
Brownfield, Shelley; Casey, Amy (guardian)	P.B.	12-cv-1091
Burks, Corkey	T.B.	13-cv-134
Burnett, Irina	D.B.	12-cv-53
Caetta, Lisa	B.C.	12-cv-55
Calvert, Courtney Jo Ann	J.C.	12-cv-163
Cates, Amanda	J.C.	12-cv-54
Chesnutt, Carrie	S.C.	12-cv-1091
Chesnutt, Carrie	O.C.	12-cv-1091
Consuegra, Leslie	D.C.	13-cv-1089
Covey, Jennifer	A.C.	12-cv-57
Cuesta, Kristina	A.M.	12-cv-1216
Dehut-Ellis, Michelle	A.E.	12-cv-978
Dehut-Ellis, Michelle	H.J.	12-cv-978
Dickey, Cherish	A.S.	12-cv-57
Dolan, Shannon	J.D.	12-cv-57
Doyle, Renisha Tenay	J.D.	12-cv-53
Dunn, Tiffany	J.D.	12-cv-54
Eddy, Allison Anne	E.E.	12-cv-163

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Biological Mother/Guardian	Child/Injured Party	Case Number
Elder-Wing, Sherlyd	M.O.	13-cv-622
Erpelding, Amanda	A.E.	13-cv-134
Erpelding, Amanda	G.E.	13-cv-134
Erpelding, Amanda	C.E.	13-cv-134
Estes, Denise	L.E.	12-cv-54
Fisher, Jean	P.F.	12-cv-54
Fitzgerald, Lorene S.	M.F.	12-cv-163
Ford, Toni Lynn	B.F.	12-cv-53
Friend, Mary	S.F.	12-cv-55
Galvin, Roweena; Lickey, Daniel & Luann (guardian)	N.G.	12-cv-55
Galvin, Roweena; Lickey, Daniel & Luann (guardian)	R.G.	12-cv-55
Gavazzi, Lisa	L.D.	13-cv-134
Gerstner, Rachel	L.G.	13-cv-134
Glynn, Lisa	P.G.	12-cv-1216
Goins, Melissa Lee	M.G.	12-cv-163
Gunn, Kelly; Gunn, Corey and Kelli (guardians)	B.G.	12-cv-57
Hancock, Donnica	A.H.	12-cv-57
Hankins, Renay; Spencer, Terri (guardian)	C.W.	12-cv-1216
Harrigan, April; Harrigan, Angela (guardian)	A.K.	12-cv-53
Harris, Jewel J.	D.H.	12-cv-163
Harrison, Eddia	E.H.	12-cv-57
Harvey, Heather	E.G.	12-cv-57
Hebert, Leana	B.H.	12-cv-54
Higgins, Kristin	K.H.	12-cv-1216
Hoefs, Melissa	J.H.	12-cv-57
Hollingsworth, Karin; Book, Sandra and Gregory (guardians)	N.B.	12-cv-54
Hollingsworth, Karin; Book, Sandra and Gregory (guardians)	N.B.	12-cv-57
Howard, Krista Kaye	B.H.	12-cv-53
Huston, Bermesha	A.K.	12-cv-55
Huston, Bermesha	A.K.	12-cv-55
Jones, Hust-Tola	P.H.	12-cv-824
Joseph, Tangila	C.D.	12-cv-54
Kay, Penny	S.J.	12-cv-163
Kutz, Summer	L.K.	12-cv-978
Lawrence, Susan	M.L.	12-cv-694

EXHIBIT A

Biological Mother/Guardian	Child/Injured Party	Case Number
Leach, Jill E.	C.L.	12-cv-57
Leighton, Jarri	J.L.	12-cv-53
Loglisci, Gina	R.L.	12-cv-54
Macdonald Mallett, Alison	A.M.	12-cv-55
Mandery, Renae Dell; Smith, Tammy (guardian)	K.M.	12-cv-53
Martin, Jenny	J.M.	12-cv-54
May, Janice	L.M.	12-cv-824
Moore, Dana	D.L.	12-cv-57
Moore, Tomiko	L.W.	12-cv-53
Morehead, Yvette	J.M.	12-cv-57
Moreland, Schemeria; High, Ray & Lisa (guardian)	A.M.	13-cv-1157
Nowak, Dawn	E.N.	12-cv-57
Nyhagen, Becki Kay	D.N.	12-cv-163
Nyhagen, Becki Kay	M.M.	12-cv-163
Oliver, Rhonda	M.O.	12-cv-54
O'Very, Lisa	N.R.	12-cv-1091
Page, Denise	E.P.	12-cv-54
Parr, Laura	D.P.	12-cv-53
Pauly, Cynthia Ann	R.D.	12-cv-57
Peeples, Rhonda	C.P.	12-cv-53
Peterson, Rhonda Michelle	E.P.	12-cv-694
Pollard, Toni	K.P.	12-cv-57
Powell, Tamika R.; Stampley, Gloria (guardian)	R.W.	12-cv-53
Quintero, Rebecca	T.Q.	12-cv-57
Raynes, Monica	S.R.	12-cv-57
Reynolds, Julie	E.M.	12-cv-57
Roberts, Dionne	L.P.	12-cv-53
Rockwell-Payne, Elisa; Rockwell, Sherry (guardian)	M.P.	12-cv-54
Rodriguez, Brenda	A.A.	12-cv-57
Roumillat (McGuire), Michelle	J.R.	12-cv-54
Rowell, Kristi	R.S.	12-cv-55
Royan, Nancy	K.R.	12-cv-57
Sandoval, Charlotte	A.M.	13-cv-414
Sansone, Marthee	A.S.	12-cv-53
Schnarr, Lisa Kay	E.S.	12-cv-53
Schwering, Tammy Trott	A.T.	12-cv-55
Snow, Erika; Snow, Donna (guardian)	Z.S.	13-cv-134

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Biological Mother/Guardian	Child/Injured Party	Case Number
Songstad, Denise	A.S.	12-cv-57
Sparks, Mary Elizabeth	B.B.	12-cv-53
Springsteen, Rachel aka Goodwin	A.S.	12-cv-53
Stenovich, Frances	L.S.	12-cv-54
Stoermann, Rosemary R.	J.S.	12-cv-53
Straskowski, Jessica Symbal	Z.S.	12-cv-54
Taylor, Carrie	J.S.	12-cv-57
Taylor, Susan	W.T.	12-cv-55
Thompson, Dana	A.K.	13-cv-134
Thornbro, Misty	A.T.	13-cv-1089
Tilley, Amy Lambert	S.S.	13-cv-134
Treadway, Sissi	M.T.	13-cv-443
Tubbs, Pamela	H.T.	12-cv-54
Tubbs, Pamela	A.T.	12-cv-54
Vaughn, Angela	G.V.	12-cv-53
Wakefield, Consuela Marie	R.W.	12-cv-53
Ward, Nicky (f/k/a Name, Nicky)	J.A.	12-cv-57
Warner, Kelly	M.M.	12-cv-1216
Warren, Shaniquaw	S.L.	12-cv-54
Wheeler, Kathleen	O.F.	12-cv-57
Wirick, Krista	F.V.	12-cv-57
Womack, Danielle	J.W.	12-cv-55
Wood, Heidi Marie	D.W.	12-cv-54
Zuniga, Christina	C.Z.	12-cv-53